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8 **BEFORE THE**
9 **BOARD OF REGISTERED NURSING**
10 **DEPARTMENT OF CONSUMER AFFAIRS**
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 2013-530

13 **BRADLEY ROGER BLACKBURN**
14 **600 Fleetwood Drive, Unit 301**
Kingsport, TN 37660

ACCUSATION

15 **Registered Nurse License No. 612647**

16 Respondent.

17
18 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

19 **PARTIES**

20 1. Complainant brings this Accusation solely in her official capacity as the Executive
21 Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

22 2. On or about January 30, 2003, the Board issued Registered Nurse License Number
23 612647 to Bradley Roger Blackburn ("Respondent"). The license expired on February 28, 2005,
24 and has not been renewed.

25 **JURISDICTION**

26 3. Business and Professions Code ("Code") section 2750 provides, in pertinent part, that
27 the Board may discipline any licensee, including a licensee holding a temporary or an inactive
28

1 license, for any reason provided in Article 3 (commencing with section 2750) of the Nursing
2 Practice Act.

3 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not
4 deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or
5 to render a decision imposing discipline on the license. Under Code section 2811(b), the Board
6 may renew an expired license at any time within eight years after the expiration.

7 STATUTORY PROVISIONS

8 5. Code section 2761 states, in pertinent part:

9 "The board may take disciplinary action against a certified or licensed nurse or deny an
10 application for a certificate or license for the following:

11 (a) Unprofessional conduct...

12 (4) Denial of licensure, revocation, suspension, restriction, or any other disciplinary action
13 against a health care professional license or certificate by another state or territory of the United
14 States, by any other government agency, or by another California health care professional
15 licensing board. A certified copy of the decision or judgment shall be conclusive evidence of that
16 action."

17 COST RECOVERY

18 6. Code section 125.3 provides, in pertinent part, that the Board may request the
19 administrative law judge to direct a licensee found to have committed a violation or violations of
20 the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
21 enforcement of the case.

22 FIRST CAUSE FOR DISCIPLINE

23 (Out-of-State Discipline)

24 7. Respondent is subject to discipline under Code section 2761(a)(4), in that effective
25 October 17, 2011, pursuant to an Order issued by the Tennessee Board of Nursing, in a
26 disciplinary proceeding titled, *In the Matter of Bradley R. Blackburn, R.N. License Number*
27 *130434, Kingsport, Tennessee, Docket Number 17.19-113418A*, Respondent's Registered Nursing
28 License Number 130434 was suspended and his multistate privilege to practice in any other party

1 state was void. The Order was based on Findings and Fact, as follows: On or about April 5, 2011,
2 Respondent was convicted of assault in Sullivan County General Sessions Court and required to
3 undergo an evaluation with the Tennessee Professional Assistance Program. The Order is
4 attached hereto as **Exhibit A** and incorporated herein by reference.

5 **PRAYER**

6 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
7 and that following the hearing, the Board of Registered Nursing issue a decision:

8 1. Revoking or suspending Registered Nurse License Number 612647, issued to
9 Bradley Roger Blackburn;

10 2. Ordering Bradley Roger Blackburn to pay the Board of Registered Nursing the
11 reasonable costs of the investigation and enforcement of this case, pursuant to Code section
12 125.3; and,

13 3. Taking such other and further action as deemed necessary and proper.

14 DATED: December 27, 2012

Louise R. Bailey
LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
Department of Consumer Affairs
State of California
Complainant

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Exhibit A

In the Matter of Bradley R. Blackburn, R.N.

Order

Tennessee Board of Nursing



**Tennessee Department of Health
Bureau of Health Licensure & Regulation
Office of Investigations
Heritage Place MetroCenter
227 French Landing, Suite 201
Nashville, TN 37243**

Toll Free 1-800-852-2187 or 615-532-3421 Facsimile 615-532-2499

December 9, 2011

I, Juanita K. Stone, Disciplinary Coordinator, do hereby certify that the attached Order entered on October 17, 2011, for Bradley R. Blackburn, R.N., license number 130434, is a true and correct copy of the disciplinary order on file in this Office.

Juanita K. Stone
Disciplinary Coordinator
Tennessee Department of Health
Investigations Division



2011 OCT 17 PM 12:28
In the Matter of:
BRADLEY R. B

BRADLEY R. BLACKBURN
R.N. License Number 130434
Kingsport, Tennessee

Docket Number 17.19-113418A

This matter came to be heard before the Tennessee Board of Nursing (Board) on the 6th day of October, 2011, pursuant to a Notice of Hearing and Charges filed against the Respondent. Presiding at the hearing was the Honorable Marion P. Wall, Administrative Law Judge, assigned by the Secretary of State. The State was represented by Rachel Appelt, Assistant General Counsel. The Respondent was present and represented by counsel, Robert Wayne Culbertson, of the Kingsport, Tennessee Bar. After consideration of the Notice of Hearing and Charges, testimony of witnesses, argument of counsel, and the record as a whole, the Board finds as follows:

1. Respondent has been at all times pertinent hereto licensed by the Board as a registered nurse in the State of Tennessee, having been granted license number 130434 on October 25, 2000, which currently has an expiration date of January 31, 2013. Respondent's registered nursing license is active and bears a multistate privilege to practice nursing in states which have entered into the Interstate Nurse Licensure Compact.
2. On or about April 5, 2011, Respondent was found guilty of assault in Sullivan County General Sessions Court.

CONCLUSIONS OF LAW

The Board, having jurisdiction over this matter, finds the facts in this Order are sufficient to establish that the Respondent has violated the provisions of TENN. CODE ANN. § 63-7-101, *et seq.* including, but not limited to, the following provisions and The Official Compilation Rules and Regulations of the State of Tennessee for the Board of Nursing (TENN. COMP. R. & REGS.) 1000-01-.01, *et seq.*:

3. The facts enumerated in paragraph two (2) constitute a violation of TENN. CODE ANN. § 63-7-115(a)(1):

(B) Is guilty of a crime.

4. The facts enumerated in paragraph two (2) constitute a violation of TENN. COMP. R. & REGS. 1000-01-.13(1):

- (5) The Board considers any criminal conviction, whether or not listed in Rule 1000-01-.13(2) above, to be a violation of T.C.A. 63-7-115(a)(1)(B). If an applicant or a registered nurse already licensed by the Board is convicted of any crime, it is grounds for denial of licensure or disciplinary action by the Board.

REASONS FOR THE DECISION

In the matter of Bradley. R. Blackburn, R.N. License Number, 130434, it is the policy and duty of the Board to protect the public. Mr. Blackburn was found guilty of a crime. It is the view of the Board, after hearing the testimony in support of this registered nurse's ability to practice in a safe manner, that a required evaluation through TnPAP and subsequent licensure probation, duly protects the public.

THEREFORE, it is **ORDERED** as follows:

5. Respondent's license to practice as a registered nurse in Tennessee, pursuant to the authority vested in the Board under TENN. CODE ANN. §§ 63-7-115 and 116, shall be and is hereby

SUSPENDED, and his multistate privilege to practice in any other party state is **VOIDED** until Respondent has completed the requirements in paragraph six (6) and seven (7).

6. Respondent shall undergo an evaluation with the Tennessee Professional Assistance Program (TnPAP).
7. If the results of this evaluation recommend a TnPAP monitoring agreement, Respondent shall obtain the advocacy of TnPAP by signing the aforementioned agreement.
8. Respondent shall comply with all recommendations of the TnPAP evaluation.
9. Upon completion of the requirements in paragraphs six (6) and seven (7), Respondent's Tennessee Nursing License shall be placed on **PROBATION** and his multistate privilege to practice in any other party state shall remain **VOIDED**.
10. The probationary period of Respondent's license shall run concurrent with the TnPAP monitoring agreement, and continue until such time as Respondent complies with each and every term of the agreement. Should Respondent's monitoring agreement with TnPAP be extended, the term of probation of Respondent's license will also be extended to the new term of the agreement.
11. During the periods of Suspension and Probation, Respondent shall maintain lawful conduct and any violation of law will be a violation of the terms of this Order.
12. If the results of the evaluation do not recommend a TNPAP monitoring agreement, Respondent's license shall be placed on **PROBATION** for one (1) year.
13. Respondent is hereby assessed one (1) Type A Civil Penalty in the amount of one thousand dollars (\$1,000.00), for a total assessment of One Thousand Dollars (\$1,000.00) for violating the Nurse Practice Act.
14. Respondent shall pay the costs of this action pursuant to TENN. CODE ANN. §§ 63-7-115(d) and 63-1-144, and TENN. COMP. R. & REGS. 1000-01-.04(11). These costs will be established by an Affidavit of Costs prepared by Counsel for the Department and shall not exceed five thousand dollars (\$5,000.00).

NOTICE

15. This suspension and probation is a formal disciplinary action and will be reported to the Health Integrity and Protection Data Bank (HIPDB).
16. Civil penalties are hereby assessed pursuant to TENN. COMP. R. & REGS. 1000-01-.04(6) and TENN. CODE ANN. § 63-1-134(c), which states in particular:
 - Civil penalties assessed pursuant to this section shall become final thirty (30) days after the date a final order of assessment is served.
 - If the violator fails to pay an assessment when it becomes final, the division may apply to the appropriate court for a judgment and seek execution of such judgment.
17. All costs and civil penalty payments shall be paid in *certified funds only* to the State of Tennessee, which shall be mailed or delivered to: Disciplinary Coordinator, Tennessee Department of Health, Office of Investigations, 227 French Landing, Suite 201, Nashville, Tennessee 37243.
18. A notation shall be placed on the instrument designating that it is payable for the costs and/or civil penalty of Bradley Roger Blackburn, Case Number 2010024621.
19. A violation of this Order shall constitute a separate violation of the Nurse Practice Act, TENN. CODE ANN. § 63-7-115(a)(1)(G), and is grounds for further disciplinary action by the Board.

SO ORDERED this 17th day of October, 2011, by the Tennessee Board of Nursing.

Betty Thompson /s/
Chairperson/Acting Chairperson
Tennessee Board of Nursing


RECONSIDERATION, ADMINISTRATIVE RELIEF AND JUDICIAL REVIEW

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

PREPARED FOR ENTRY:


Rachel Appelt, BPR # 027988
Assistant General Counsel
Tennessee Department of Health
Office of General Counsel
220 Athens Way, Suite 210
Nashville, Tennessee 37243
(615) 741-1611

CERTIFICATE OF FILING

This Order was received for filing in the Office of the Secretary of State, Administrative Procedures Division, and became effective on the 17th day of October, 2011.

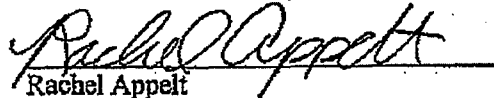


Thomas G. Stovall, Director
Administrative Procedures Division

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of this document as entered has been served upon the Respondent's attorney, Robert Wayne Culbertson, 119 West Market Street, Kingsport, Tennessee 37660, by delivering the same in the United States regular mail and United States certified mail, number 7011 0470 0003 65356 9077, return receipt requested, with sufficient postage thereon to reach its destination.

This 18 day of October, 2011.



Rachel Appelt
Assistant General Counsel